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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES.**
WASHINGTON, D.C. 20548

FILE: B-201295.2

DATE: December 29, 1981

MATTER OF: Norfolk Dredging Company--Reconsideration

DIGEST:

Request for reconsideration of decision rendered September 23, 1981, is untimely and will not be considered when filed with GAO on October 26, 1981.

Norfolk Dredging Company requests reconsideration of our decision in Norfolk Dredging Company, B-201295, September 23, 1981, 81-2 CPD 245, which denied Norfolk's protest against U.S. Army Corps of Engineers procedures in canceling and resoliciting a requirement for berm and dune restoration at Wrightsville Beach, North Carolina. Norfolk received the award on resolicitation at a price lower than its low bid on the canceled solicitation.

In its protest we held that Norfolk had the burden of showing the impropriety of the Corps' actions and that Norfolk had failed to meet that burden. Norfolk contends that the Corps, and not Norfolk, should have the burden of proof.

Norfolk's request was filed with GAO on October 26, 1981. Section 21.9(b) of our Bid Protest Procedures, 4 C.F.R. part 21 (1981), provides:

"Request for reconsideration of a decision of the Comptroller General shall be filed not later than 10 days after the basis for reconsideration is known or should have been known, whichever is earlier. The term 'filed' as used in this section means receipt in the General Accounting Office."

Norfolk's request does not indicate the date on which it received our September 23, 1981, decision. However, when the decision was issued a copy was mailed to Norfolk. Under the circumstances, it is reasonable to conclude that Norfolk either knew or should have known the basis of its request more than 10 days prior to October 26, 1981.

Accordingly, the request for reconsideration is untimely and we will not consider it further.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel